

APR 24 2014

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA
V.
Reynaldo CAPETILLO

CRIMINAL COMPLAINT

Case Number: C-14-434M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 4/23/2014 in Kenedy County, in the
(Date)

Southern District of Texas, the defendant(s)

Reynaldo CAPETILLO

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 8USC1324
I further state that I am a(n) Special Agent and that this complaint is based on the
following facts: Official Title

See Attached Affidavit of HSI Special Agent

Edwin Lopez

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

Edwin Lopez
Printed Name of Complainant

Sworn to before me and signed in my presence, and probable cause found

April 24, 2014

Date

Janice B. Ellington U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State


Signature of Judicial Officer

AFFIDIVIT

On April 23, 2014, at approximately 1230 hours, Border Patrol (BP) Agents Abdiel Alonzo was working check point duties at the Sarita, Texas BP Checkpoint, along with Agent Michel Hibdon and his service canine "Zora-C". A red color tractor trailer approached the primary inspection area. BPA Alonzo question the driver, identified as Reynaldo CAPETILLO, about his citizenship, CAPETILLO responded he was a United State citizen. BPA Alonzo then asked if there was some body else in the truck which CAPETILLO responded "no". BPA Hibdon advised the BPA Alonzo that his K9 had alerted to the small side door of the tractor trailer. BPA Alonzo then asked, and received consent to search the cab of the tractor. A subsequent search of the interior of the tractor revealed seven (7) undocumented aliens hiding under blankets in the sleeping compartment. BPA noticed several air fresheners in the tractor. Air fresheners are commonly used to conceal human odor.

All seven (7) subjects were determined to be illegally present in the United States. All subjects were placed under arrest, and transported to the BP Station for processing. CAPETILLO and the seven (7) undocumented aliens were read their rights and stated they understood and signed accordingly indicating they were willing to make statements.

PRINCPAL STATEMENT:

CAPATILLO indicated that he did not know there were people in the tractor. CAPATILLO was called into work to take a trailer to Houston, Texas. CAPATILLO fueled his tractor at a LOVES gas station in Edinburg, Texas and stated he left his tractor unattended momentarily while fueling. CAPATILLO then went to Brownsville, Texas to pick up the trailer he was going to take to Houston. CAPATILLO stated he did not make any other stops.

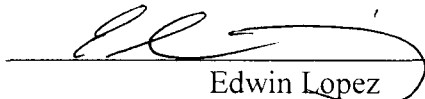
MATERIAL WITNESS'S STATEMENTS:

Francisco VALENCIA-Gomez stated he is a citizen of Mexico who illegally crossed the Rio Grande on a raft into the United States on February 2, 2014. VALENCIA-Gomez stated he paid \$1,500 to cross the river. VALENCIA indicated that he walked 15 minutes to the road, were he was picked up by a black car that took him to a house were there was a total of seven (7) illegal aliens in the house. Later, a woman picked three (3) of them up in a brown car and drove them to a gas station. VALENCIA indicated she parked her vehicle on the street by the gas station. She instructed them to get in the tractor through the passenger door, and get in the back and cover up with a blanket. VALENCIA stated the tractor did not have a trailer attached when they entered it at the gas station. VALENCIA said he opened the door and was the first one in the tractor. VALENCIA saw a man in the driver's seat. VALENCIA went to the back of the tractor and got on the top bed. VALENCIA heard a voice instruct them to cover up with a blanket. VALENCIA felt the tractor leave, and after about one (1) hour of driving it stopped for about ten to fifteen (10-15) minutes. During the ten to fifteen (10-15) minutes VALENCIA could feel the tractor connecting with something, presumably the trailer.

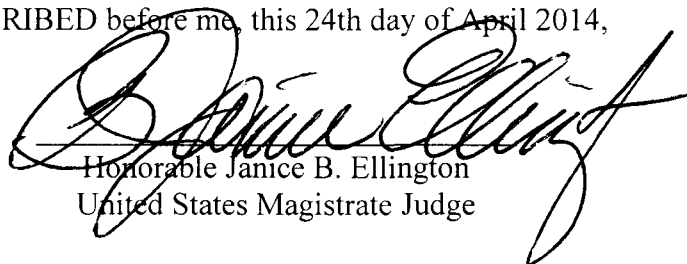
VALENCIA said once they began driving again they did not stop until BP encountered them.

Sahedy HERRERA-CASTANEDA stated he is a citizen of Mexico who illegally crossed the Rio Grande on a raft into the United States on April 3, 2014, near Matamoros, Mexico. HERRERA paid \$1,500 just to cross the river. HERRERA walked for thirty (3)0 minutes to a house where he stayed for two (2) days. HERRERA was then taken to another house where a man pickup HERRERA and two (2) other aliens in a white truck and drove them to a gas station. The man instructed them to get in the tractor using the passenger side. HERRERA stated the tractor did not have a trailer attached when they entered it at the gas station. When HERRERA got into the tractor he saw a man sitting in the driver seat. HERRERA went straight to the back of the tractor and hid himself behind the driver seat in the corner and covered himself with some hanging clothes. They then drove for forty to fifty (40-50) minutes before stopping. HERRERA said he could feel the tractor connecting with something, presumably the trailer. HERRERA said once they got connected and started moving again they did not stop until they got to the BP Checkpoint.

None of the illegal aliens required medical attention. The aliens did not make any exculpatory statements regarding the case. AUSA Julie Hampton was contacted and prosecution was accepted for violation of 8USC1324.


Edwin Lopez
Special Agent
Border Patrol

SWORN AND SUBSCRIBED before me, this 24th day of April 2014,


Honorable Janice B. Ellington
United States Magistrate Judge